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7 GSI TECHNOLOGY, INC.,
8 Plaintiff,
9 v.
10 UNITED MEMORIES, INC., et al.,
11 Defendants.

Case No. [5:13-cv-01081-PSG](#)

ORDER RE: ORAL ARGUMENT

(Re: Docket Nos. 1062, 1065, 1071, 1072,
1073, 1074)

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13 In a technology community like ours that prizes youth—at times unfairly—there is one
14 place where youth and inexperience seemingly comes with a cost: the courtroom. In intellectual
15 property case after intellectual property case in this courthouse, legions of senior lawyers with
16 decades of trial experience regularly appear. Nothing surprises about this. When trade secret or
17 patent claims call for millions in damages and substantial injunctive relief, who else should a
18 company call but a seasoned trial hand? But in even the brief tenure of the undersigned, a curious
19 trend has emerged: the seasoned trial hand appears far more than trial itself. What once might
20 have been left to a less experienced associate is now also claimed by senior counsel. Motion to
21 compel discovery? Can't risk losing that. Motion to exclude expert testimony? Can't risk losing
22 that, either. Motion to exclude Exhibit 20356 as prejudicial under Fed. R. Evid. 403? Same thing.

23 All of this raises a question: who will try the technology cases of the future, when so few
24 opportunities to develop courtroom skills appear? It is difficult to imagine handing entire
25 intellectual property trials to a generation that never had the chance to develop those skills in more
26 limited settings. Senior lawyer and their clients may shoulder some of the blame, but surely courts
27 and judges like this one must accept a large part of the responsibility. Perhaps this explains the

United States District Court
Northern District of California

1 growing and commendable effort by leaders on the bench to promote courtroom opportunities for
2 less experienced lawyers, especially in intellectual property disputes.¹

3 This case offers this member of the bench a chance to start doing his small part. In a jury
4 trial lasting several weeks, the court was privileged to witness some of the finest senior trial
5 counsel anywhere present each opening statement, each direct and cross-examination and each
6 closing argument. The court intends no criticism of any party's staffing decisions. But with no
7 fewer than six post-trial motions set for argument next week, surely an opportunity can be made to
8 give those associates that contributed mightily to this difficult case a chance to step out of the
9 shadows and into the light. To that end, the court expects that each party will allow associates to
10 present its arguments on at least two of the six motions to be heard. If any party elects not to do
11 this, the court will take its positions on all six motions on the papers and without oral argument.

12 **SO ORDERED.**

13 Dated: March 9, 2016

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PAUL S. GREWAL
15 United States Magistrate Judge

26 ¹ See, e.g., CHIP's Next Gen Committee, *Judicial Orders Providing/Encouraging Opportunities*
27 *for Junior Lawyers*, available at <http://chipsnetwork.org/wp-content/uploads/2016/02/Judicial-Orders-re-Next-Gen-2.4.16.pdf>.